

## REMARKS

### Discussion of Claim Rejections under 35 U.S.C. 103(a)

The Examiner rejected Claims 1-5 under 35 U.S.C. 103(a) as being unpatentable over Haraszti et al. (2007/0170257).

In response, first, Applicant respectfully pointed out the fact that a preliminary amendment had been submitted as "371P" (the first 371P document on the Image File Wrapper) along with the national phase application on 3 JAN 2006, where Claims 1 through 4 had been canceled and Claims 20 through 24 had been added. Therefore, Applicant respectfully submits that the rejections to Claim 1-4 are now moot.

### Claim 5

As for the rejection to Claim 5, Applicant respectfully disagrees with the Examiner.

The invention is directed to an identification method using a random type recognition object, which includes:

a first recognition step wherein a positional value and a characteristic value on an orthogonal coordinate of the identification particles within the random type recognition object produced in the random type recognition object generating step are recognized from one or a number of directions on the orthogonal coordinate to complete a first data set; and

a second recognition step wherein the positional value and the characteristic value on the orthogonal coordinate of the identification particles distributed within the random type recognition object in which the first data set is completed in the first recognition step are recognized from one or a number of directions on the orthogonal coordinate to complete a second data set.

In contrast, Haraszti discloses an authentication method is provided that is based on a reference, such as an authentication label attached to an optical disc. The authentication label has a three dimensional distribution of particles, and a two dimensional data acquisition step is performed for the purpose of authentication. However, Haraszti does not disclose the first and second recognition steps as in the invention. That is, Haraszti does NOT teach that the random

type recognition object produced in the random type recognition object generating step are recognized from one or a number of directions on the orthogonal coordinate.

Haraszti discloses enabling to optically determine the positions of particles 104. He does NOT say anything about the characteristic value on an orthogonal coordinate of the identification particles as in the invention. (See Paragraphs [0047] and [0048])

The Examiner stated, regarding to Claim 6, that “*Laskowski teaches an eigen value-assigning step of assigning an eigen value to the first data set 38 ... (Column 11, lines 33-39 and Fig. 4).*”

Laskowski, however, discloses that the sensed value set 38 includes a set that is 24 by 29, for three test spots per row and 29 rows of test spots. Surely it does not teach an eigen value assigning and extracting steps for assigning eigen values to the first and second data sets obtained by recognizing the positional value and the characteristic value of the identification particles from one or a number of directions on the orthogonal coordinate. Laskowski does not cure the deficiency of Haraszti, either.

Therefore, Haraszti does not anticipate the inventive features of the invention, and Haraszti, Laskowski, or their combination does not teach or suggest the features of the invention.

Withdrawal of the rejections to Claim 5 is respectfully requested.

#### **Discussion of Claim Rejection under 35 U.S.C. 103(a)**

The Examiner rejected Claims 6-11 under 35 U.S.C. 103(a) as being unpatentable over Haraszti in view of Laskowski (6,774,986).

In response, Applicant has canceled Claims 6, 10, and 11 without prejudice. Therefore, the rejection to Claims 6, 10, and 11 is now moot.

Withdrawal of the rejections to Claims 6, 10, and 11 is respectfully requested.

#### **Claim 7**

As discussed regarding to Claim 5, Haraszti, Laskowski, or their combination does not teach or suggest the features of Claim 7 that has been amended with the limitations of Claims 10 and 11.

Withdrawal of the rejections to Claim 7 is respectfully requested.

**Discussion of Claim Rejection under 35 U.S.C. 103(a)**

The Examiner rejected Claims 12-18 under 35 U.S.C. 103(a) as being unpatentable over Markantes et al. (6,970,236) in view of Laskowski (6,774,986).

In response, Applicant has canceled Claims 15 through 18 without prejudice, and amended Claim 12 with the limitations of the original Claims 15 through 18. Therefore, the rejection to Claims 15 through 18 is now moot.

**Claim 12**

Markantes does not teach or suggest three dimensional identification particles and associated first and second data set and positional value and characteristic value to be recognized form one or a plurality of directions on an orthogonal coordinate. Also, as discussed in the above, Laskowski does not teach the same features.

Therefore, Markantes, Laskowski, or their combination does not teach or suggest the features of Claim 12.

Withdrawal of the rejections to Claim 12-14 is respectfully requested.

**Discussion of New Claims 20-24**

The newly added Claims also have the inventive features that was not taught or suggested by the cited references; Haraszti, Laskowski, Markantes, or their combination.

Applicant respectfully submits that the added Claims 20 through 24 are patentable for the similar reasons discussed in the above regarding to Claims 5, 7, and 12.


**CONCLUSION**

The applicant believes that the rejections were obviated by the amendment of claims, and the application is now in condition for allowance: therefore, reexamination, reconsideration and allowance of the claims are respectively requested. If there are any additional comments or requirements from the examination, the applicant asks for a non-final office action.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any over-payment to Deposit Account No. 16-0310.

Very truly yours,  
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